

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 1, Chama Mainstream

Acequia del Rito de los Frijoles
Subfile No. 571

**MOTION FOR ORDER APPROVING AND ADOPTING THE
STIPULATION ON PRIORITY DATE
OF WATER RIGHTS UNDER ACEQUIA DEL RITO DE LOS FRIJOLES**

The Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), by and through its undersigned counsel, requests the Court to enter an Order approving and adopting the *Stipulation on Priority Date* filed August 26, 2008 (Doc. No. 9264) on the water rights in Subfile 571 (Tract 3.48) in Section 1 of the Chama Mainstream Section, and in support of this Motion states the following:

1. The State and the owners of the water rights in Subfile 571 (Seledon Garcia and Alice Garcia) have entered into a stipulation on the priority date (1735) of the water rights in this subfile under the Acequia del Rito de los Frijoles, a private ditch in Section 1 of the Rio Chama Stream System. *See Stipulation on Priority Date* filed August 26, 2008 (Doc. No. 9264). The original Order entered in this subfile included an incorrect priority date of 1895. *See Order* filed July 23, 1971 (Docket No. 1768-9). The water rights in Subfile 571 are the only water rights under the Acequia del Rito de los Frijoles.

4. The Court should enter an Order that approves and adopts the *Stipulation on Priority*

Date filed August 26, 2008, and that amends the *Order* filed July 23, 1971, to include a priority date of 1735 for the water rights in Subfile 571.

5. The Order approving and adopting the Stipulation on the priority date of the water rights in Subfile 571, and amending the *Order* filed July 23, 1971, should be entered as a final order subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

6. A proposed Order granting this Motion is attached hereto as Exhibit 1.

WHEREFORE, the State respectfully requests the Court to enter an Order that approves and adopts the *Stipulation on Priority Date* filed August 26, 2008, and that amends the *Order* filed July 23, 1971, to include a priority date of 1735 for the water rights in Subfile 571.

FURTHER, the State requests that the Court enter the requested Order as a final judgment, subject to the right of other water rights owners to file objections to individual adjudication orders prior to the entry of a final decree.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of April, 2011, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail addressed as follows:

Seledon Garcia
Alice Garcia
P.O. Box 63
Abiquiu, NM 87510

/s/ Ed Newville
EDWARD G. NEWVILLE